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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,518	03/16/2004	Craig M. Janik	088245-8242	3980
23524 7590 07/09/2009 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,518

**Applicant(s)**

JANIK ET AL.

**Examiner**

RAYMOND S. DEAN

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-10 and 31-46 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4,6-10 and 31-46 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 05/22/09.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed April 21, 2009 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicants' assertion that Sheriff does not teach the feature of transitioning from a low power state to an active state. Haartsen ("Bluetooth-A New Low-Power Radio Interface Providing Short-Range Connectivity" teaches on Page 1654, Section III "AD-HOC Connectivity", A. "Establishing Connections", 1<sup>st</sup> Paragraph, the transitioning from a wake-up state, which is a low power state to an active state to invoke a connection-setup procedure. Haartsen<sup>1</sup>, which pre-dates the Applicants' priority dates March 17, 2003 and May 20, 2003, teaches a typical Bluetooth system like the Bluetooth system of Sherriff. Haartsen teaches on Pages 1654 - 1655, Section III, "AD-HOC Connectivity, A. "Establishing Connections", the paging and inquiry features that Examiner has been indicating throughout the prosecution. These are well established and well known features of a typical Bluetooth protocol. Sheriff teaches this typical Bluetooth protocol and thus teaches said features.

Examiner respectfully disagrees with Applicants assertion on Page 8, 3<sup>rd</sup> Paragraph "Sherriff does not describe a portable device which responds ...". Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11 teach Bluetooth enable devices. It is well

established, as set forth above, that said Bluetooth enabled devices will transition from the standby or low power mode to the activation or active mode. Section 0037 in particular teaches the use of polling signals such as the inquiry and paging signals to initiate automatic content synchronization.

Examiner, respectfully disagrees with Applicants' assertion that Lappetelainen does not teach the feature of responding to a signal to cause the device to transition to an active state. Cols. 2 line 7, 10 lines 2 – 9, and 13 lines 45 – 50 teaches the feature of responding to an RF signal or RF energy to cause the transition from an idle state or standby state to an active state.

Regarding Claim 31, Sherriff in view of Lappetelainen, as set forth above and in the Office Action dated November 26, 2008, teaches the feature of a wireless receiver subsystem that responds to .... to cause the wireless transceiver subsystem to transition from a standby state .... to actively perform content synchronization with the server computer". Karaoguz was cited for it's teaching of a power controller, which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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<sup>1</sup> Please NOTE: Haartsen is cited solely to support Examiners' contention regarding the Bluetooth

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 2, 4, 6 – 10, 32 – 39, 41, 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697).

Regarding Claims 1, 32, 37, 43, Sheriff teaches a system comprising: a portable device (Figure 1, Sections 0031 lines 11 – 12, 0038 lines 8 – 9); and a server computer having an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with the portable device (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content

synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state/causing the wireless transceiver subsystem of the portable device to use a wireless transceiver to synchronize content stored in the portable device with content in a server computer in response to the wireless transceiver subsystem of the portable device being transitioned to the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode)

Sheriff does not teach a portable device/apparatus comprising: a wireless receiver subsystem comprising a wireless receiver; and a wireless transceiver subsystem in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver; wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state.

Lappetelainen teaches a Bluetooth system (Column 2 lines 21 – 25, lines 37 – 42) in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver (Figure 15, Columns 9 lines 36 – 41, 12 lines 33 – 36, 13 lines 45 –

50, in order for the RF energy to be extracted by the sensors said sensors must have receiving capability thus the sensors are the receivers), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Columns 10 lines 1 – 30, lines 45 – 59, the idle mode consumes less power than the fully operative power mode).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Sheriff with the sensor and power management circuitry of Lappetelainen for the purpose of power conservation as taught by Lappetelainen.

Regarding Claim 2, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transmitter is physically coupled to the server computer (Figure 1, the primary content manager can communicate via wireless means thus there will be a wireless transmitter).

Regarding Claim 4, Sheriff in view of Lappetelainen teaches all of the claimed

limitations recited in Claim 1. Sheriff further teaches wherein the server computer causes the wireless transmitter to transmit the signal periodically until the portable device responds to the signal (Sections 0037, 0039 lines 9 – 13, the primary content manager periodically transmits inquiry messages which comprise access codes, when the access code matches the Bluetooth enabled devices access code said Bluetooth enabled devices will respond with an acknowledgement signal).

Regarding Claim 6, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Lappetelainen further teaches wherein the wireless receiver includes a radio frequency (RF) receiver (Figure 15, Columns 9 lines 36 – 41, 12 lines 33 – 36, 13 lines 45 – 50, in order for the RF energy to be extracted by the sensors said sensors must have receiving capability thus the sensors are the receivers) Sheriff further teaches wherein the wireless transmitter includes a RF transmitter (Figure 1, Sections 0037, 0039 lines 9 – 13, the Bluetooth transceivers comprise RF transmitters).

Regarding Claims 7, 41, 45 Sheriff in view of Lappetelainen et al. (US 7,072,697) teaches all of the claimed limitations recited in Claims 1, 37, 43. Sheriff further teaches a pager network receiver/pager message (Section 0053 lines 3 – 7, the pager receiver receives paging messages).

Regarding Claim 8, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless receiver includes a mobile cellular phone network receiver (Section 0053 lines 3 - 7).

Regarding Claim 9, Sheriff in view of Lappetelainen teaches all of the claimed



limitations recited in Claim 1. Sheriff further teaches wherein the wireless transceiver includes a wireless local area (WLAN) transceiver (Section 0037).

Regarding Claim 10, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer includes a personal computer (Section 0033, conventional general purpose computers comprise personal computers).

Regarding Claim 33, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 32. Lappetelainen further teaches wherein the wireless receiver subsystem comprises a microprocessor, coupled to the wireless receiver, to periodically enable the wireless receiver (Figure 15, the processor that controls the receiver is 120).

Regarding Claim 34, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 33. Lappetelainen further teaches wherein the microprocessor cycles between a first and a second power mode, the microprocessor consumes less power in the first power mode than in the second power mode, and the microprocessor enables the wireless receiver when the microprocessor is in the second power mode (Columns 10 lines 1 – 30, lines 45 – 59, the idle mode consumes less power than the fully operative power mode thus all components of the receiver, including the processor, will consume less power in idle mode than in the fully operate power mode).

Regarding Claim 35, Sherriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 33. Lappetelainen further teaches wherein the wireless transceiver subsystem comprises a microprocessor to enable the wireless transceiver in response to the signal; and a power supply system, coupled to the microprocessor of the wireless transceiver subsystem, to provide power to the microprocessor of the wireless transceiver subsystem (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages, the Rx/Tx block comprises a processor 118, the power switch 134 and battery 138 are coupled to Rx/Tx block).

Regarding Claim 36, Sherriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 35. Lappetelainen further teaches wherein the microprocessor of the wireless receiver subsystem causes the power supply system to provide power to the microprocessor of the wireless transceiver subsystem in response to receipt of the signal (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages, the Rx/Tx block comprises a processor 118 thus the processor of said Rx/Tx block will receive power when it is time to transition to the fully operative power mode).

Regarding Claim 38, Sherriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 37. Lappetelainen further teaches using the wireless receiver system of the portable device to enable a power supply system subsystem of the portable device to thereby cause the wireless transceiver subsystem of the portable device to transition from the standby state to the active state (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages, the Rx/Tx block will thus receive power when it is time to transition to the fully operative power mode).

Regarding Claim 39, Sherriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 38. Lappetelainen further teaches cycling the wireless receiver subsystem of the portable device between first and second power modes, wherein the wireless receiver subsystem of the portable device is operable in the second power mode to enable the power supply system subsystem of the portable device in response to the wireless signal, and wherein the wireless receiver subsystem of the portable device consumes less power in the first power mode than in the second power mode (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the

transmission of advertisement messages, the idle mode consumes less power than the fully operative power mode thus all components of the receiver, including the processor, will consume less power in idle mode than in the fully operate power mode).

4. Claim 31 is rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697), as applied to Claim 1, and further in view of Karaoguz et al. (US 2004/0029621)

Regarding Claim 31, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff in view of Lappetelainen does not teach a synchronization budget manager which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

Karaoguz teaches a power controller, which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization (Sections: 0014, 0046 lines 14 – 15, 0052 lines 7 – 8, 0055 lines 4 – 13, the power controller is acting as the synchronization budget manager).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sheriff in view of Lappetelainen with the power controller of Karaoguz for the purpose of maximizing the battery life of the portable Bluetooth devices before recharging is required as taught by Karaoguz.

5. Claims 40, 44 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697), as applied to Claims 37, 43 above, and further in view of Allen et al. (5,812,942)

Regarding Claims 40, 44, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claims 37, 43. Sherriff in view of Lappetelainen does not teach wherein the wireless signal includes a radio frequency (RF) pulse.

Allen, which also teaches a low power device, teaches wherein a wireless signal includes a radio frequency (RF) pulse (Cols. 1 lines 64 – 65, 2 lines 32 – 36).

It would have been obvious to one of ordinary skill in the art to modify the low power device of Sherriff in view of Lappetelainen with the RF pulse circuitry of Allen for the purpose of creating a more versatile low power device that can receive RF pulse signals.

6. Claims 42, 46 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697), as applied to Claims 37, 43 above, and further in view of Linnartz (US 2002/0066018)

Regarding Claims 42, 46, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claims 37, 43. Sherriff in view of Lappetelainen does not teach decoding an encrypted message carried by the wireless signal.

Linnartz teaches decoding an encrypted message carried by the wireless signal (Section 0028 lines 1 - 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the encryption method taught by Linnartz in the Bluetooth system of Sherriff in view of Lappetelainen for the purpose of authenticating the Bluetooth enabled devices in order to enable user privacy as taught by Linnartz.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Examiner, Art Unit 2618  
Raymond S. Dean

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